

YOUR TOWN HALL

Please refer to the attached agenda for titles of ordinances, resolutions and discussion topics.

Gerry Scharfenberger was absent for this meeting with all other committee members present.

KNOWN ACTION ITEMS

Ordinance 2010-3019 was brought forward and all Committee members present voted in favor of its introduction. There will be a public hearing on November 15 before the final vote to adopt this ordinance.

Ordinance 2010-3020 was brought forward and all Committee members present voted in favor of its introduction. Committeeman Byrnes voted yes with a comment. Mr. Byrnes was concerned about doing this design work without any competitive bid from various engineering firms. Township Administrator, Tony Mercantante said there was a memo issued that Mr. Byrnes probably did not get yet that explained this ordinance. He also said that the Committee discussed this in August saying most of these projects are continuing and any new projects will be put out to bid. Mr. Byrnes asked if Mr. Mercantante could have the township engineer review the costs listed and verify that what is stated is the going rate because it represents about 33% of the total cost of the projects. Mr. Mercantante said the costs represent the engineering design and inspection phases of the projects. A public hearing will be held on this ordinance on November 15 and will then be voted on for adoption.

Resolution 10-272 was introduced for adoption and all Committee members present voted in favor of its adoption.

Resolution 10-273 was introduced for adoption and all Committee members present voted in favor of its adoption.

The agenda for the November 15 meeting was read at this time.

DISCUSSION

- a) Mr. Mercantante said the resolution is straightforward. He explained that there is a tower at Tatum Park that is used for police communications and the lease is expiring.
- b) Township Attorney, Brian Nelson said there are a number of specific lots that are not being used for any public purpose. He said that they are vacant lots and have been acquired through tax foreclosures. Mr. Nelson said that the ordinance will have suggested minimum bids for each lot, as provided by the assessors' office.
- c) Township CFO, Nick Trasente said that there are two bill lists for each month, one for each period between Committee meetings and the bill payments are done once per month. He said that sometimes checks are being written without authorization or up to two weeks in advance. Mr. Trasente recommends that a bill list be approved for each meeting and those bills be paid at that time. He said utility bills would be paid quicker and it would reduce the number of advance checks and late payments. He said that no one knows why the bills are paid two weeks ahead of time and that it has always been done that way. Mr. Mercantante said this would be a much better system and the advance check writing would be rare. Mr. Trasente said any advance checks would be on the next bill list for the Committee to approve. He said that checks will be printed the day after the Committee approves the bill list. Currently, checks are being printed continuously he said.
- d) There were no comments made regarding this discussion item.
- e) Mr. Byrnes wanted to know who on the Township end makes sure the vehicles are needed. Mr. Mercantante said this truck was requested last year. He said we buy an ambulance every year for the First Aid

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squads and this truck will be going to the Lincroft First Aid. He said that the Committee needs to address this practice of purchasing trucks for the First Aid and Fire Companies. Mr. Mercantante said that now the town owns the vehicles it purchases. Mr. Byrnes asked if the dump truck was under the Monmouth County Improvement Authority (MCIA) bond ordinance. Mr. Mercantante said that he was not sure, but Mr. Trasente said that it was in the MCIA bond. Committeeman Fiore said he would like to see the age of the equipment before purchasing a new one. Mr. Mercantante said he will put this purchase on hold until more information can be provided. Mr. Trasente said that this is usually done during the budget process, but going forward he and Mr. Mercantante will review it and present it to the Committee for approval.

Committeewoman Brightbill said all of these purchases have already been discussed and approved. Mr. Byrnes said that before spending the money, it is good to review it.

COMMITTEE COMMENTS

Mr. Byrnes had no comment.

Steve Massell said "Meet the Candidates Night" was a great event. The candidates spoke eloquently and last year was the first year for this event. He said that it is a great tradition that should continue. He finished by wishing all of the candidates good luck in the election.

Mrs. Brightbill wished the candidates good luck in the election. She then talked about Halloween Hullabaloo and the great collaboration between the Arts Council and the Poricy Park Conservancy. There were lots of volunteers and she is looking forward to having more events. She said the Arts Council is funding the art shows and the Christmas Tree lighting. Mrs. Brightbill said the Veteran's Day Parade is this Sunday starting at noon. She said

the Township and Veteran's collaborated to make it a great day. She went on to say she attended almost all the meetings about the website and it was really great. In the past lots was done by email and the process was slow.

Mr. Fiore said he spoke to a few people about commuter parking and the under utilization of commuter lots and parking on the side streets. He is thinking of ways to remedy the situation, perhaps by using "No Parking" signs. Mr. Mercantante said parking is restricted during the day. Mr. Fiore apologized that he will miss the VFW Parade because it will be his daughter's christening. He then echoed Mr. Massells' comments in wishing the candidates good luck in the election.

PUBLIC COMMENTS

Linda Baum asked about the defunct legion claims. She asked what line of insurance this is and asked if we are absolutely sure that there is no coverage for the defunct claims. She said that she used to be an administrator for the Workman's Compensation Security Fund in New Jersey and she had a pretty good understanding of what is covered and what is going to be paid. Mr. Nelson replied that they were undisputed claims and they do not know how much is going to be paid and they are looking to assign the claims to a firm. Ms. Baum asked what type of claims they were and Mr. Nelson said that they were accident and health claims from before 2005. Ms. Baum then stated that she was not familiar with these types of claims. Mr. Nelson said that the insurance company was a defunct company and is in liquidation and it was uncertain what the payouts would be and how long it would take to make the payments. He said the company they are looking at to assign the claims to is going to pay the township \$0.40 on the dollar. Ms. Baum offered to look into this further, but Mr. Nelson said that all of the work has been done and this

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is the route that the town is taking. Mr. Byrnes asked how long the town had if additional information was provided. Mr. Nelson said that this company had a deadline of last week and allowed the town the extra week for the Committee to vote on this. Ms. Baum asked if the town participated in a self insurance guarantee association. Mr. Mercantante said that he was not aware if the town did.

Marilyn Michaels had a letter that Mr. Fiore sent to Shadow Lake residents and read a portion of it stating that "Sean Byrnes was cutting secret deals to line the pockets of private contractors to pour chemicals into Shadow Lake that will never solve the problem". She asked Mr. Fiore if he was suggesting Mr. Byrnes engaged in criminal behavior. Mr. Fiore replied by saying his interpretation was that the solution to Shadow Lake is dredging and a chemical solution is not feasible and the only one to benefit would be the contractor that is treating the lake with the chemicals. Mrs. Michaels said the Township has been paying a contractor to treat the lake for the past 15 years. She agreed that it was not the total solution but part of the solution. Mr. Fiore said that it is not the solution in his opinion. Mrs. Michaels said that the words in the letter were very strong and she asked Mr. Fiore if he stood by those words. Mr. Fiore said that he stood by his words. He said he did not say that Mr. Byrnes was engaged in criminal behavior. He said that she can interpret the letter any way she wanted. A few people in the audience responded by saying that they also interpreted the letter the same way Mrs. Michaels did. Mr. Nelson said he was not surprised to see that all the Democrats agreed with Mrs. Michaels' interpretation.

Melanie Elmiger said that she had three children in public schools and that there are no acting police officers visiting the schools to conduct alcohol and drug awareness education for the children due to the recommendation of the police chief to eliminate the Community

Relations Bureau. She said that the mayor praised the DARE program at a recent graduation in January stressing the importance of the program. At the candidates' night, just before the election, he supported the elimination of the program and said that it was an optional service that could be eliminated. She agreed with Mr. Byrnes and Mr. Scharfenberger when they said that this was something that the Board of Education (BOE) should provide. However, she said she did not feel it would be as effective if the police did not participate in the program. Mrs. Elmiger said that in June, Mr. Mercantante and Mr. Slover agreed to implement the KIDS program, which was run before the DARE program. She said that this would be a reduction in the number of police involved, making the program ineffective. She said that Mr. Mercantante and Mr. Scharfenberger showed support of alcohol and drug prevention education at the Project Plus forum at the Arts Center in the spring. Now it is a contradiction to their public commitment. She asked if the Committee is going to make it a priority to provide drug and alcohol education to all students and not just the fifth grades that participate in the Project Plus program. She said that if they would not she wanted to know how to make it happen. Mr. Mercantante said that it was a budgetary decision to cut this program and that the Township Committee was going to begin to look at the coming years' budget soon. He said that Mr. Slover has a proposal to implement a program something like DARE and that there would be costs associated with it. It would be considered when next years' budget is being developed. Mr. Byrnes said that using full time officers is expensive and they are looking at less expensive ways to do the same thing, like using a non-profit. Mrs. Elmiger asked if she should go to the BOE and ask them to fund the cost of the police officers. Mrs. Brightbill said that this would be a good idea. She said that she is a member of the Municipal Alliance and is

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familiar with the DARE and Project Plus programs. She said Mr. Slover speaks to the Alliance about the collaboration between the Township and the BOE. The BOE has people that participate in the Alliance and Mr. Slover is doing all he can to get them more engaged. She said Mrs. Elmigers' suggestion to go to the BOE is good because it is important that both sides of this issue be more involved. Mrs. Brightbill invited Mrs. Elmiger to attend the next Alliance meeting to ask the same questions there because the school board members will be present at that meeting.

Don Watson asked if members of the Alliance, could participate in running the drug prevention program. Mr. Mercantante said that it requires very specific training. Mr. Watson said that if all the members wanted to be involved then maybe they could have more responsibility. Mrs. Brightbill stated that they are the people that run the Project Plus program. Mr. Watson then asked for an update on the Pt. Monmouth flooding project. He asked when work was going to begin. Rob Keady of the Consulting Engineering firm T&M said that the project continues to have budgetary issues with the bids received. Mr. Keady said that he is going to write a memo explaining the history of the project with some suggestions for the Committee to take. Mr. Watson said that this was what Township Engineer/ DPW Director, Ted Maloney had said at the last Committee meeting. Mr. Mercantante said that this was not true because at the last meeting T&M did not have any discussions with the bidders. Mr. Keady said that it is their intent to do the work on the project. Mr. Watson said that Mr. Maloney suggested at the previous Committee meeting that he might remove some of the work from the project to make it come in line with the bids. Mr. Watson asked what some of that work would be. Mr. Mercantante said that it would not help the town to discuss what would be removed if the negotiations were still taking

place. Mr. Watson then asked what the options would be. Mr. Mercantante said that the options are going to be to scale back the project, find other funding and rebid the project, among others. Mr. Watson asked if the slide gate was going to be installed and Mr. Mercantante said that this was a basic part of the contract. Mr. Mercantante said that he did not want to discuss specifics because it might raise the price of the bids. Mr. Watson then wanted to know the outcome of the meeting with the DEP in Sen. Kyrillos' office regarding Shadow Lake. Mr. Watson wanted to know what kind of pressure the Senator applied to the DEP to get work done dredging the lake. Mr. Mercantante said that pressure was a good way to describe how the Senator was with the DEP. He said that the Township's plan to dispose of the dredge material makes a lot of sense, but it does not meet the rules and regulations of the DEP. Mr. Mercantante said that no one can afford to do what the DEP wants done so there has to be a more sensible middle ground. The Senator was strong on that point. He said that the DEP has not gotten back to the township yet.

No other further comments were made and the meeting was adjourned.

*If you have any questions regarding
this agenda please contact the
Township Clerk at 732-615-2014*



**Township of Middletown
Town Hall- Conference Room
One Kings Highway
Middletown, NJ 07748**

NOVEMBER 1, 2010 – WORKSHOP MEETING

1. MEETING OPENS AT 7:00 P.M. - MEETING STATEMENT:

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press, The Star Ledger, The Independent, and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 8, 2010.

2. 7:00 P.M. EXECUTIVE SESSION

3. MEETING OPENS AT 8:00 P.M. - MEETING STATEMENT:

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press, The Star Ledger, The Independent, and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 8, 2010.

4. ROLL CALL

Committeewoman Brightbill _____ Committeeman Byrnes _____

Committeeman Fiore _____ Committeeman Massell _____

Mayor Scharfenberger _____

5. PLEDGE OF ALLEGIANCE

- a. Moment of Silence to Honor the Troops Serving World Wide Defending our Freedoms and Way of Life.

6. KNOWN ACTION ITEMS

- a. INTRODUCTION 2010-3019 Ordinance Authorizing An Emergency Appropriation N.J.S.A. 40A:4-53 for Severance Liability
- b. INTRODUCTION 2010-3020 Ordinance Authorizing Bonds for the Capital Improvements of 2011
- c. 10-272 Resolution of the Township Committee of the Township of Middletown Authorizing Assignment of Certain Insurance Claims in Liquidation with Defunct Legion Insurance Company
- d. 10-273 Resolution Authorizing the Transfer of Appropriations in The Local Budget of the Township of Middletown for the Year 2010

NOVEMBER 1, 2010 – WORKSHOP MEETING

REGULAR AGENDA FOR NOVEMBER 15, 2010

7. CERTIFICATE OF APPRECIATION/PROCLAMATION

- a. Employee of the Month October 2010
- b. Recognition of Girl Scout Troop 324 “Reuse a Shoe” Participation

8. MINUTES

- a. September 20, 2010 Executive Session
- b. October 4, 2010 Executive Session
- c. October 4, 2010 Workshop Meeting

9. INTRODUCTION OF PROPOSED ORDINANCES

10. PUBLIC HEARING OF PROPOSED ORDINANCES

11. CONSENT AGENDA

- a. Payment of Bills
- b. Bingo and Raffles
- c. Volunteer Firefighter Applications

12. **DISCUSSION FOR NOVEMBER 1, 2010**

- a. County Park Lease Renewal
- b. Sale of Township Property
- c. Procedure for Payment of Bills
- d. Change Order Leonard Avenue Drainage Improvements
- e. Purchasing Items:
 - i. Auction
 - ii. Ambulance
 - iii. Dump Truck
 - iv. Line Striping
 - v. Protective Clothing
 - vi. 2010 Road Resurfacing Contract II
 - vii. 2010 Road Reconstruction West

13. TOWNSHIP COMMITTEE COMMENTS

14. PUBLIC COMMENTS

15. EXECUTIVE SESSION

16. ADJOURNMENT

PLEASE PUBLISH THE FOLLOWING NOTICE AND ORDINANCE WITHIN THE NOVEMBER 5, 2010 EDITION.

TOWNSHIP OF MIDDLETOWN
NOTICE

This is a copy of Ordinance No. 2010-3019 that was introduced at a scheduled meeting of the Township Committee of the Township of Middletown, November 1, 2010 held over for further consideration upon second reading and final passage at a meeting of the Township Committee to be held in the Main Meeting Room in the Township Hall, One Kings Highway, Middletown, on Monday, November 15, 2010 at 8:00 p.m., at which time all persons interested will be given an opportunity to be heard.

**AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY APPROPRIATION
PURSUANT TO N.J.S.A. 40A: 4-53 FOR SEVERANCE LIABILITIES
RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE
RETIREMENT OF EMPLOYEES.**

BE IT ORDAINED by the Governing Body of the Township of Middletown, in the County of Monmouth, New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$1,000,000.00 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.
2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).
3. This ordinance shall take effect as provided by law.

HEIDI R. BRUNT
TOWNSHIP CLERK

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$683,500 FOR DESIGN AND CONSTRUCTION ADMINISTRATION FOR VARIOUS ROAD IMPROVEMENTS BY AND FOR THE TOWNSHIP OF MIDDLETOWN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$649,325 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLETOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1.

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Middletown, New Jersey (the “Township”) as a general improvement. For the said Improvements there is hereby appropriated the amount of \$683,500, such sum includes the sum of \$34,175 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2.

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$649,325 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$649,325 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3.

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
Design and construction administration for various road improvements including but not limited to Pine Street, Viburnum Terrace, Boxwood Terrace, Honeysuckle Lane, Ontario Avenue, Raritan Avenue, Brown Dock Road, Cooper Road, Marlpit Place, Kings Highway East Phase III, Kings Highway East Phase IV, Miscellaneous Road Repairs, Miscellaneous Curb and Sidewalk Replacement, Vank Kirk Avenue Drainage Improvements, Garfield and Fairfield Avenues Drainage Improvements and Miscellaneous Drainage Repairs to: Jean Terrace, Summit Avenue, Farview Avenue, Reta Drive and Twilight Avenue, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office the Clerk.	\$683,500	\$649,325	19.92 years
TOTAL:	\$683,500	\$649,325	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$649,325.

(c) The estimated cost of the Improvements is \$683,500, which amount represents the initial appropriation made by the Township.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the

purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5.

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 19.92 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$649,325 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$683,500 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7.

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized

therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$649,325.

SECTION 10.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTION NO. 10-272

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MIDDLETOWN AUTHORIZING ASSIGNMENT OF CERTAIN INSURANCE CLAIMS
IN LIQUIDATION WITH DEFUNCT LEGION INSURANCE COMPANY**

WHEREAS, the Township of Middletown maintains outstanding undisputed insurance claims with the Legion Insurance Company which is currently subject to a liquidation proceeding in the Commonwealth of Pennsylvania; and

WHEREAS, the Township of Middletown has two undisputed Class B claims totaling \$254,831.69, which have not yet been recovered since filing proofs of claim in 2005 with the receiver; and

WHEREAS, the Township has been approached by two competing private entities seeking the assignment of the Township's claims, with the highest bidder offering 40 cents on the dollar of the undistributed undisputed Class B claim amount, the second bidder offering 30 cents per dollar; and

WHEREAS, the highest bidder, Liquidity Solutions, Inc., is offering to pay the Township of Middletown \$101,932.67 for its claims within approximately two (2) weeks of approval of an assignment; and

WHEREAS, the eventual date of distribution and amount of eventual payout on these claims is uncertain, and the Township Attorney and Administrator recommending assigning the same due to this uncertainty as being in the best interest of the taxpayers to immediately recover \$101,932.67 for these long outstanding claims.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the Mayor is hereby authorized and directed to execute the attached Assignment of Claim attached hereto and made part hereof through Liquidity Solutions, Inc. with the Equity Trust Company, 225 Burns Road, Elyria, OH 44035 for \$101,932.67 in consideration for assigning Middletown's two undisputed class B claims with the Legion Insurance Company currently in liquidation that total \$254,831.69 from 2005.

Committee Member	Approved	Opposed	Abstain	Absent
P. Brightbill				
S. Byrnes				
A. Fiore				
S. Massell				
Mayor Scharfenberger				

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held November 1, 2010.

WITNESS, my hand and the seal of the Township of Middletown this 1st day of November, 2010.

HEIDI R. BRUNT
TOWNSHIP CLERK

RESOLUTION #10-273

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE
LOCAL BUDGET OF THE TOWNSHIP OF MIDDLETOWN FOR THE YEAR 2010

WHEREAS, Section 40A:4-58 of the Revised Statutes of New Jersey authorizes the transfer of appropriations, during the last two (2) months of the calendar year, to said budget where adopted heretofore by the governing body by two-thirds vote thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown, as follows:

1. That the excess in the appropriations listed in the column designed “FROM” be transferred to the appropriations listed in the column designated “TO” as follows:

Exhibit A Transfer of 2010 Appropriation			
	CURRENT FUND	FROM	TO
Account Number			
0-01-20-145-100-100	Tax Collector S&W	\$6,000	
0-01-27-330-100-101	Health S&W	22,000	
0-01-20-145-100-200	Tax Collector O&E		\$6,000
0-01-27-330-100-200	Health O&E		22,000
	TOTAL	\$28,000	\$28,000

2. The Township Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Township Auditor, a certified copy of this resolution.
3. This resolution shall take effect immediately.
4. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
Mayor Scharfenberger				
P. Brightbill				
S. Byrnes				
T. Fiore				
S. Massell				

CERTIFICATION

I, Heidi Brunt, Clerk of the Township of Middletown hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their public organization meeting held on November 1, 2010.

WITNESS, my hand and the seal of the Township of Middletown this 1st day of November, 2010.

HEIDI BRUNT, Township Clerk

Tony Fiore
Deputy Mayor
Township of Middletown
29 Brasch Blvd.
Middletown, NJ 07748

October 24, 2010

Dear Shadow Lake Residents,

You may have recently received a letter from Democrat Township Committee member Sean Byrnes claiming that he has a fix to saving Shadow Lake. Not surprisingly, this may have been the first time you have ever heard from Mr. Byrnes on this important issue. It is, after all, almost Election Day and Mr. Byrnes is promising that he has all the solutions, of course, without costing you—the taxpayers—any money. When it sounds too good to be true—it is.

You may also want to know that while the rest of the Township Committee has been working tirelessly to secure NJDEP permits to save Shadow Lake through the only viable solution—dredging it—Sean Byrnes has been an obstructionist on this issue. Mr. Byrnes and the Middletown Democrats have even criticized the Township's efforts to dredge Shadow Lake as being nothing more than a ploy to secure your votes. Maybe they need to visit Shadow Lake on a warm summer day.

While Sean Byrnes is cutting secret deals to line the pockets of private contractors to pour chemicals into Shadow Lake that will never solve the problem, the rest of the Township Committee has been working with Senator Kyrillos and the Commissioner of the NJDEP to secure permission to dredge the lake and safely store the spoils on Township-owned property. Without Mr. Byrne's vote, the Township Committee has already appropriated funds and completed engineering to dredge the lake.

Sean Byrnes says he wants to bring the Army Corp of Engineers into help the Township with Shadow Lake. There are a few problems with this. First, as State open waters, the NJDEP's permission is still required for the Army Corp to dredge the lake. Second, the Army Corp only dredges navigable waters—Shadow Lake is not a navigable waterway. Finally, for over 30 years the Army Corp has utterly failed to act to control flooding in the Bayshore despite the earmarking of millions of dollars for such purposes.

We know the residents of Shadow Lake cannot wait 30+ years for Shadow Lake to be restored to its natural beauty. Hopefully, with the help of Governor Christie's new administration, we will be dredging Shadow Lake in the near future—no thanks to Democrat Sean Byrnes and his repeated efforts to kill this essential project.

Very truly yours,



Tony Fiore
Deputy Mayor

NOT PAID FOR AT TAXPAYER EXPENSE.
PAID FOR BY TONY FIORE.